

NEW YORK TIMES

10 March 1977

Carter and New C.I.A. Director Divided on Need For Criminal Penalties to Prevent Security 'Leaks'

By WENDELL RAWLS Jr.,
Special to The New York Times

WASHINGTON, March 9.—President Carter and his Director of Central Intelligence, Adm. Stansfield Turner, took opposing stands today on whether criminal penalties are needed to protect national security against leaks of classified information.

Admiral Turner insisted at a breakfast meeting with reporters that he wanted a secrecy law that would provide criminal penalties for those who leak classified information. He told the Senate Intelligence Committee the same thing at his confirmation hearing.

But Mr. Carter said at a news conference this morning, prior to attending a swearing-in ceremony for Admiral Turner in the afternoon, that his "own hope would be that we could prevent the disclosure of intelligence or information that might be damaging to our national security, rather than trying to control that problem by the imposition of legal or criminal penalties." Vice President Mondale said virtually the same thing last week.

"They [Mr. Carter and Admiral Turner] obviously are going to have to talk about it," a White House spokesman said, hastily adding, "Further."

Helms Case Not Discussed

In addition, the President and the C.I.A. Director apparently have not talked about the status and national security implications of a reported Federal grand jury investigation of Richard Helms, a former Director of Central Intelligence, who allegedly perjured himself in sworn testimony about the C.I.A.'s operations in Chile against the Marxist Government of President Salvador Allende. Gossens, President Allende was overthrown by a military junta on Sept. 11, 1973.

Admiral Turner said today that he had been told "by people in the intelligence community" that the national security

would be endangered if certain classified documents were supplied to prosecutors, should the grand jury indict Mr. Helms.

The admiral said that he had talked with Mr. Carter twice, for a half-hour each time, in his first four days as C.I.A. Director.

The President said at the news conference that the Helms case had not come to his attention "either officially or unofficially," and that he would be the one to decide whether classified documents would be provided to prosecutors if the Department of Justice should decide to proceed with a case against Mr. Helms.

A Question of Priorities

The question is expected to come down to whether the national interest is better served by the prosecution of a former Federal official accused of perjury or by the protection of information about the intelligence agency's covert operations.

Sources in the intelligence community said that Mr. Helms had visited with high-echelon White House staff members recently, explaining that it was more important to protect information than to prosecute him.

In his meeting with reporters, Admiral Turner said that, although he was concerned about the publication of classified information disclosed to the news media, he was really more interested in punishing those who disclosed the information.

To that end, he said he would be "amenable to a statute to impose a criminal penalties on leakers," but that he was not prepared to outline the kind of statute he would like, other than "some effective sanction that would discourage people from releasing information."

The admiral said that the Espionage Act was 60 years old and was "not very effective" in preventing the disclosure of classified information to the news media, but he added that he would favor an appropriate amendment to the act or new laws with criminal or strong civil sanctions.

"The end objective is to help give us an atmosphere to hold secret that which is secret," he said. "The rights of the First Amendment aren't going to be violated by the Congress or by the courts."

Admiral Turner said that, although he could not accept the idea that such intelligence activities as giving money to King Hussein of Jordan was wrong, he would not comment on whether newspaper disclosures of the gifts were proper. The publication of such information, he said, "is in the newspapers' realm rather than in the C.I.A.'s realm."

And, responding in naval terminology—as he did often during the breakfast meeting—the admiral reminded reporters that the payments to leaders of foreign governments "happened before my watch."

He said that he would establish an office in the Executive Office Building where a deputy director of Central Intelligence would coordinate the intelligence community's affairs. The move is viewed

as symbolically placing intelligence operations closer to the White House and away from the C.I.A.'s headquarters in nearby Langley, Va.

Admiral Turner also said that he did not want to suppress dissent within the agency about intelligence estimates.

"I'm dedicated to provide the President with objective intelligence," he said, "and I'm not so conceited that I think that I or any other individual can be fully objective."

The admiral said he wanted to give Mr. Carter the best assessment, inform him of the disagreements within the agency on the assessment and explain to the President why such dissent exists. But, he added, he wanted to keep dissent within the intelligence community and the executive branch.

On other subjects, Admiral Turner said that he had been asked by Mr. Carter for an assessment of reaction abroad to the President's emphasis on human rights and that a "red-flag warning" had been sent to agents abroad to pick up both favorable and unfavorable reaction to Mr. Carter's stance.

"I don't want to be a purveyor of good news only," the admiral said.

He also said that there was no trade-off between the C.I.A. and Korean or Iranian intelligence agents to operate in each other's country.

"We don't make agreements for their activities in our country," he said.

In regards the Soviet Union, he said, "I think they want to be the dominant power in the world."